

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. AF 07-0157

IN THE MATTER OF PROPOSED REVISIONS)	
)	
TO THE MONTANA RULES OF CIVIL PROCEDURE)	O R D E R

Over the past several years, the Advisory Commission on Rules of Civil and Appellate Procedure has diligently worked on a proposal for overhauling the Montana Rules of Civil Procedure in line with revisions that have been made to the Federal Rules of Civil Procedure. The Advisory Commission has now submitted to this Court its work product from that endeavor. According to the Advisory Commission, the revisions are largely stylistic, and make the rules better organized, more readable, and more workable. The Advisory Commission further advises the Court that the main substantive changes are in Rules 4(t), 5.1 and 5.2, 11, 23, 26, 28(c), 58(e), and 62.

IT IS NOW ORDERED that the Montana State Law Library will publish, on its website at http://courts.mt.gov/supreme/proposed_rules/civil-procedure.mcpx the proposed revisions to the Montana Rules of Civil Procedure, the original of which is attached to this Order and also is available for viewing in the office of the Clerk of this Court. The proposed revisions, which are voluminous, show the present rules on the left and the corresponding recommended rules on the right, with the Commission's notes following each rule.

IT IS FURTHER ORDERED that the Court will accept public comment on the proposed revisions to the Montana Rules of Civil Procedure from all interested persons for 90 days from the date of this Order. All public comments shall be filed with the Clerk of this Court within that time.

IT IS FURTHER ORDERED that the State Bar of Montana shall publish notice of this Order, along with the above web address from the Montana State Library, in the next available issue of *The Montana Lawyer* and on its website.

The Clerk is directed to provide copies of this Order to each Clerk of the District Court in the State of Montana, each District Judge for the State of Montana, the Code Commissioner and Director of Legal Services for the Montana Legislative Services Division, the Montana Attorney General, the Director of the Montana Trial Lawyers, the Director of the Montana Defense Trial Lawyers, the Clerk of the United States District Court for the District of Montana, the President of the Montana Magistrates' Association, the Executive Director of the State Bar of Montana, the University of Montana School of Law, the State Law Librarian, and the Chair of the Advisory Commission on Rules of Civil and Appellate Procedure.

DATED this 3rd day of March, 2010.

/S/ MIKE McGRATH
/S/ W. WILLIAM LEAPHART
/S/ MICHAEL E WHEAT
/S/ BRIAN MORRIS
/S/ PATRICIA O. COTTER
/S/ JIM RICE
/S/ JAMES C. NELSON